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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,097	01/29/2002	James Friskel	049050-5010	1197
9629	7590	10/01/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/058,097

Applicant(s)

FRISKEL, JAMES

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- As for claim 1, line 3: The phrases “the external boundary” and “the visible user interface” lack clear antecedent basis. The same problem is found in independent claims 8, 10.
- As for claim 12, line 3: The phrase “the process” lacks clear antecedent basis. The same problem is found in independent claim 14.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US patent #5,940,078 (Nagarajayya et al).

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- As for claims 1, 8-10, 12, 14, 15: Nagarajayya et al teach a computer implemented method and corresponding system, the computer connected in a network (figure 5), for displaying a first graphical image (e.g., the window, tool bar, menu, icon...) corresponding to a user interface for an application program running in a computer system (3:20-25), wherein the first graphical image comprises the external boundary of the visible user interface (figure 2), comprising the steps/means for defining a first graphical image in a first computer file (3:59-62, 5:44-48), a plurality of parameters corresponding to the first graphical image (5:5-44), and processing the first computer file in accordance with the plurality of parameters to display the first graphical image (6:1-55; fig. 1). The parameters specify the configuration (e.g., dimension, orientation...) of the graphical element thus it appears that a configuration file ("second computer file") storing configuration parameters of graphical elements is implicitly included in Nagarajayya et al. Even if it is not, it would have been obvious to one of skill in the art, at the time of the invention was made, to store the configuration parameter in a file. Motivation of the implementation is for the ease of information accessing and processing.
- As for claim 2: The first computer file comprises a plurality of graphical images (5:44-60) and each of the plurality of graphical images corresponds to one of a plurality states of the user interface (4:51-59; 6:13-23).
- As for claim 3: The parameters define a plurality of activation regions corresponding to the first graphical image (i.e., the window of figure 1 comprises a plurality of activation regions, each represented by an associated user selectable interactive

graphical element, e.g., toolbar 110 has multiple activation region, each represented by an icon. Figures 1-2).

- As for claim 4: The parameters define a location (e.g., dimension and orientation) of the graphical elements, as appeared on the display (5:5-44; figure 1). Each graphical element is associated with an activation type depending upon its property.
- As for claim 5: The activation one of the icon (or tab) points to a third computer file comprising a plurality of parameters corresponding to the display of a second graphical image. E.g., activating icon 140 points to a second image file of the icon and a configuration file defining display parameters of the icon (3:59-62, 5:50-60).
Considering also the displaying of the tab panels.
- As for claim 6: The plurality of states of the icon 140 comprises a default state, a selected state, and an activated state (4:51-54).
- As for claim 7: Each window, panel, icon in figure 1 comprises a polygon corresponding to an external boundary defined by its display parameters stored in the configuration file. An image element can be partitioned into multiple shading or color regions (3:41-48, 4: 32-37). Nagarajayya et al fail to clearly teach that the image element comprises a transparent region. However, Official notice is taken that implementation of an image element having a transparent region is well known in the art of graphical user interface. It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of transparency image region to Nagarajayya et al. Motivation of the combining is for the advantage of seeing through in overlapping display control.

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- As for claim 11: The graphic engine for accessing the computer files is inherently included in Nagarajayya et al teaching of displaying the graphic images of the graphical elements.
- As for claim 13: In light of the rejection set forth in claim 12, each of the graphical elements of figure 1 comprises an image file and a configuration file. The graphical elements define substantially the entire user interface for the application program.
- As for claim 16: Nagarajayya et al fail to clearly teach that one of the files is dynamically updated by a server computer. However Official notice is taken that implementation of dynamically updating either an image file or configuration file at a server is well known in the art (see US Patent Application Publication 20020010757). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the well known implementation of dynamically updating either an image file or configuration file at a server to Nagarajayya et al's computer network. Motivation of the combining is for generating an up-to-date display.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (703) 305-9794 (after 10/12/04: (571) 272-4138). The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
9/28/04

BA HUYNH
PRIMARY EXAMINER